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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/452,284      | 11/30/1999  | MURALI DUVVURY       | CISCO-1656          | 1103             |

7590 04/20/2004

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| EXAMINER |
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NGUYEN, BRIAN D

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| ART UNIT | PAPER NUMBER |
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2661

DATE MAILED: 04/20/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/452,284

Applicant(s)

DUVVURY, MURALI

Examiner

Brian D Nguyen

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on the amendment filed 4/5/04.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4, 15-20, 27-32, 36 and 38-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 15-20, 27-32, 36, 38-40 and 44-46 is/are rejected.
- 7) ☒ Claim(s) 41-43 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

DETAILED ACTION

*Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 38-40 and 44-46 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 38-40 are unclear what element is performing the detecting of a conflict. If the first network device performing this step, it is suggested to add: --- by the first network device--- after "the first network device" in line 2. Otherwise, please clarify.

Claims 44-46 are unclear because claims 44-46 claim the first network device (corresponding to the commander network device of claim 15) comprising means for detecting a conflict while claims 41-43, which depend on claim 15, claim the member network device (which corresponding to the second network device of claim 27) comprising a conflict detection logic. It is unclear if the first/commander or the second/member network device comprising means for detecting/conflict detection logic. The examiner assumes the second network device comprising means for detecting a conflict in this Office action.

*Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 15-20, 27-32, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lecheler et al (6,425,008) in view of Daruwalla (6,693,878).

Regarding claims 1, 15, 27, and 36, Lecheler discloses a system and a method for assigning private IP addresses (see col. 1, lines 43-49) to network devices in network 16 in a cluster, each device being capable of interconnecting at least two segments for forwarding data (see figures 1 and 2). The cluster of network devices comprises a commander network device (manager 40) having a public IP address (global address). Lecheler does not specifically disclose the private IP address is calculated as a function of the MAC address. However, Daruwalla discloses the private IP address is calculated as a function of (based on) the MAC address (see col. 10, line 40). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to calculate the private IP address based on the MAC address as taught by Daruwalla in the system of Lecheler so that the assigning of the private IP address will be simpler and the matching of IP address to MAC can be easier.

Regarding claims 2, 4, 16-17, 19-20, 28-29, and 31-32, Lecheler discloses the network device is a LAN switch (see col. 5, line 25).

Regarding claims 3, 18, and 30, Lecheler discloses the private IP address is calculated by adding the value of one or more bytes of the MAC address to a base IP address (see figure 1 and col. 8, lines 54-62 where two bytes of the MAC is added to the base private IP address).

*Allowable Subject Matter*

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5. Claims 41-43 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Claims 38-40, 41-43, and 44-46 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

### *Response to Arguments*

7. Applicant's arguments with respect to claims 1-4, 15-20, and 27-32 have been considered but are moot in view of the new ground(s) of rejection.

### *Conclusion*

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian D Nguyen whose telephone number is (703) 305-5133. The examiner can normally be reached on 7:30-6:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Olms can be reached on (703) 305-4703. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.



Brian Nguyen